

## REMARKS

Claims 1 - 30 remain active in this application. Claims 11, 13 and 16 - 30 have been withdrawn from consideration as being non-elected, with traverse, in response to requirements for restriction and election of species. An evident error has been corrected in non-elected claim 20. No new matter has been introduced into the application. Acceptance of the drawings filed September 6, 2006, is noted with appreciation. The withdrawal of previous grounds of rejection based on prior art is also noted with appreciation as is the continued indication of allowability of claims 5, 6, 8, 12 and 15.

The requirements for restriction and election of species have been maintained. The traverse of these requirements is also maintained for the reasons of record and because generic claims are present which are believed to be allowable for the reasons which will be discussed below. Additionally, it is respectfully submitted that claim 21 and claims 22 - 30 (Group III) depending therefrom differ from allowable claims 1 - 15 principally by being limited to the object being an optical element and the "surface" of claim 1 being a mount which certainly should be within the required search for the subject matter of claims 1 - 15 and no serious burden of examination can exist even though the two Groups of claims are patentably distinct. Accordingly, it is respectfully requested that the requirement for restriction be withdrawn or at least modified to permit rejoinder of the claims of Group III.

Claims 1 - 4, 7, 9, 10 and 14 have been rejected under 35 U.S.C. §102 as being anticipated by the newly cited reference to Peleg. This new ground of rejection

is respectfully traversed.

As recited in claim 1, the invention is an arrangement for positioning an object relative to a surface with a clamp applying minimal force to the object by providing a first actuator which applies a first clamping force to the object, sensing acceleration of the object and the surface and applying an additional, second force corresponding to the sensed acceleration to the object to resist movement of the object relative to the surface due to that acceleration. Peleg has virtually nothing to do with such an arrangement other than teaching an apparatus including a clamp and sensing vibration applied to and transmitted through an object such as a fruit or vegetable to determine firmness thereof.

While vibration is well-described (and is referred to in Peleg) as an acceleration, the acceleration sensor 1 of Peleg senses only vibration applied to the object by vibration actuator 13 and transmitted through the object but not accelerations of an *assembly* of the object and surface. Moreover, while Peleg teaches the use of a feedback signal from "gripper force sensing means 3" (which is distinct from the vibration transducer 1) to regulate gripping force to a "preset value" which is "just sufficient to sense the transmitted vibration signal from the fruit" (see, for example, column 8, lines 28 - 43), which is a completely different purpose than retaining the object in position on a surface, although the force may be similar, and the force does not correspond to the sensed vibration/acceleration in any way, as claimed. Moreover, providing such a function (e.g. increasing force with increased sensed vibration) in Peleg would clearly compromise the firmness measurement function of Peleg (since the acceleration is

inseparable from the second force and vice-versa, as the Examiner has sought to apply Peleg) and possibly result in the destruction of the fruit or vegetable.

Thus it is seen that Peleg does not answer either of these claim recitations, contrary to the Examiner's assertion and, accordingly, does not anticipate any claim in the application. Further, by ignoring or glossing over these explicitly recited features, the Examiner has failed to make a *prima facie* demonstration of anticipation (or obviousness) of any claim in the application. Additionally, it is respectfully submitted that Peleg does not teach or suggest explicit recitations of many dependent claims such as a motion control system (claim 9) or proportionality of the second force to the acceleration (claim 10). Moreover, it is respectfully submitted that any proposed modification of Peleg to answer either of these recitations would preclude the apparatus of Peleg from operating in the intended manner and would be improper for the Examiner to propose under 35 U.S.C. §103, particularly in view of the precedent of *In re Gordon*, 221 USPQ 1125 (Fed. Circ., 1984) which considered any such modification to "teach away" from the claimed subject matter. Therefore, it is respectfully submitted that the sole ground of rejection in this application is clearly in error and untenable and that no other statutory basis exists for rejection of claims based on the prior art of record taken individually or in any combination and, upon reconsideration, the rejection of claims 1 - 4, 7, 9, 10 and 14 should be withdrawn.

Additionally, since claim 1 has been demonstrated to be allowable over the prior art of record and claim 1 has been indicated to be generic to all claimed species and so admitted by the Examiner, it is well-established that Applicant is entitled to rejoinder of the species between

which election has been required. Therefore, allowance of claims 1 - 15 is respectfully requested. Further, as requested above, rejoinder of Groups I and III is believed proper and well-justified and allowance of claims 21 - 30 is also respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

A petition for a one-month extension of time has been made above. If any further extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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